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# **Notice of Allowability**

Application No.

09/927,474

Examiner

Habte Mered

Applicant(s)

CUNETTO ET AL.

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 8/21/2006.
2. ☒ The allowed claim(s) is/are 25,26,28,34-40,42 and 43.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William Pieprz and Van Ernest on 11/09/06.

The application has been amended as follows:

2. Claims 41 and 44-49 have been cancelled.

3. Claim 25 has been amended as follows:

- In line 7 of claim 25, the phrase "a signaling protocol message" has been replaced with the phrase --an ATM SETUP signaling protocol message--

- In line 18 of claim 25, the phrase "one field" has been replaced with the phrase --one field of the ATM SETUP signaling protocol message--

4. Claim 36 has been amended as follows:

- In line 5 of claim 36, the phrase "a signaling protocol message" has been replaced with the phrase --an ATM SETUP signaling protocol message--

- In line 16 of claim 36, the phrase "the signaling protocol message" has been replaced with the phrase --the ATM SETUP signaling protocol message--

5. Claim 42 has been amended as follows:

- In line 1 of claim 42, the phrase "claims 41" has been replaced with --claim 38--

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6. Claim 43 has been amended as follows:

- In line 1 of claim 43, the phrase "claims 41" has been replaced with --claim 38--

7. The following is an examiner's statement of reasons for allowance:

Independent Claims 25 and 36 and dependent claims 26, 28, 34, 35, 37-40, 42, and 43 are allowable over the prior art of record since the cited references taken individually or in combination, fail to particularly teach or suggest a method of originating a switched virtual circuit (SVC) connection for a subscriber in an Asynchronous Transfer Mode (ATM) network from an ATM access port different from a previously registered access port associated with the subscriber using an ATM SETUP signaling protocol message comprising a plurality of fields wherein a first field having been modified to contain a customer field and a second field having been modified to contain an access port identifier corresponding to the ATM access port. It is noted that the closest prior art, Perinpanathan et al (US 6, 636 522 B1), discloses the use of ISDN Q.931 SETUP message and the IP based H.323 SETUP message in terminal mobility. It is also noted that another closest prior art is Acharya et al (Arup Acharya, Jun Li, and D. Raychaudhuri, "Mobile ATM: Architecture, Protocols and Implementation", IEEE, 1997) and Acharya discloses the need to modify the ATM SETUP message (i.e. Q.2931), in order to support ATM mobility, with new fields or Information Elements for the permanent or previously registered port address but fails to suggest the need for a new field in the ATM SETUP message for the "care of" or remote port address.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Habte Mered whose telephone number is 571 272 6046. The examiner can normally be reached on Monday to Friday 9:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571 272 3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HM  
11-09-2006

  
RICKY Q. NGO  
SUPERVISORY PATENT EXAMINER